

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 040373/0255



In re patent application of

Kazuo ISHII

Group Art Unit: 2876

Serial No.: 09/320,457

Filed: May 27, 1999

For: OPTICAL SYMBOL READING DEVICE

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103RECEIVED  
JUL 24 2000  
TC 2100 MAIL ROOMINFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.56Assistant Commissioner for Patents  
Washington, D.C. 20231RECEIVED  
JUL 24 2000

TECHNOLOGY CENTER 2800

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to applicant in order to comply with applicant's duty of disclosure pursuant to 37 C.F.R. § 1.56. A copy of each of the listed documents is being submitted to comply with the provisions of 37 C.F.R. § 1.97-1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

Applicant submits that, under 37 C.F.R. § 1.97(e)(1), each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to filing of this statement. Accordingly, no fee is required.

Regarding the relevance of the cited references, according to a Japanese Office Action for a counterpart Japanese application, which Office Action issued on May 17, 2000, reference A1 describes lining up several projectors and receptors in opposition and using an optical position detection sensor to detect a position. Reference A2 describes adjusting the focal position of the scanning beam using the output signal of the measuring module.

Applicant's statements regarding the Japanese Office Action are based on a translation that Applicant's counsel obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Applicant respectfully requests that the listed documents be considered by the Examiner and be made of record in the present application and that an initialled copy of Form PTO-1449 be returned in accordance with M.P.E.P. § 609.

Respectfully submitted,

7/20/00

Date

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*The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No.: 19-0741*